



Development Services Department
Environmental Coordinator
450 110th Avenue NE
Bellevue, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPOSAL NAME:	Faghih Pier and Floodplain Restoration
LOCATION:	448 W Lake Sammamish Pkwy. NE
FILE NUMBERS:	21-101772-WG
PROPONENT:	Jamshid Faghih
DESCRIPTION OF PROPOSAL:	
Land Use review of a Shoreline Substantial Development Permit to construct a new pier with 477 square feet of water coverage with 14 six-inch steel piles, 2 four-inch steel piles, 2 two-inch pin piles, grated decking, one boatlift with translucent canopy, and two watercraft lifts. Proposal includes removal of unpermitted block wall and patio improvements and fill placed in the floodplain of Lake Sammamish and restoration with shoreline planting to maintain shoreline ecological function. This proposed pier replaces the prior wooden structure that protected the City's storm outfall and provided moorage which was removed by the City under separate shoreline exemption 20-114533-WD.	

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision.

DATE ISSUED: 5/6/2021

APPEAL DATE: 5/20/2021

A written appeal must be filed in the City Clerk's Office by 5 p.m. on the appeal date noted above.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project) or if the DNS was procured by misrepresentation or lack of material disclosure.

Issued By: *Heidi Bedwell, Planning Manager* **for** **Date:** May 6, 2021
Elizabeth Stead, Environmental Coordinator
Development Services Department



City of Bellevue
Development Services Department
Land Use Staff Report

Date of Receipt by Ecology:

**SHORELINE MANAGEMENT ACT
DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

File Number:	21-101772-WG
Proposal Name:	Faghih Pier and Floodplain Restoration
Proposal Address and Location:	448 W Lake Sammamish Pkwy. NE, 36-25N-05E
Water Body:	Lake Sammamish
Shoreline Environment Designation:	Shoreline Residential
Proposal Description:	Land Use review of a Shoreline Substantial Development Permit to construct a new pier with 477 square feet of water coverage with 14 six-inch steel piles, 2 four-inch steel piles, 2 two-inch pin piles, grated decking, one boatlift with translucent canopy, and two watercraft lifts. Proposal includes removal of unpermitted block wall and patio improvements and fill placed in the floodplain of Lake Sammamish and restoration with shoreline planting to maintain shoreline ecological function. This proposed pier replaces the prior wooden structure that protected the City's storm outfall and provided moorage which was removed by the City under separate shoreline exemption 20-114533-WD.
Applicant:	<input checked="" type="checkbox"/> Applicant owns property Jamshid Faghih, 448 W Lake Sammamish Pkwy. NE, Bellevue, WA 98008, jamshidfaghih@hotmail.com
Applicant Representative:	Gregory Ashley, Ashley Shoreline Design and Permitting, 16412 NE 10 th Pl., Bellevue, WA 98008, 425-957-9381, greg@shoreline-permitting.com
Application Date:	January 25, 2021
Notice of Application Date:	March 4, 2021
Notice of Decision Date:	May 6, 2021

SEPA Determination:

Determination of Non-Significance

SEPA Appeal Deadline:

May 20, 2021

Heidi Bedwell, Planning Manager

Elizabeth Stead, Environmental Coordinator
Development Services Department

Decision on SSDP:

Approval with Conditions

Michael A. Brennan, Director
Development Services Department

By: *Reilly Pittman, Land Use Planner*

Reilly Pittman, Land Use Planner

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C) (D).

CONTENTS

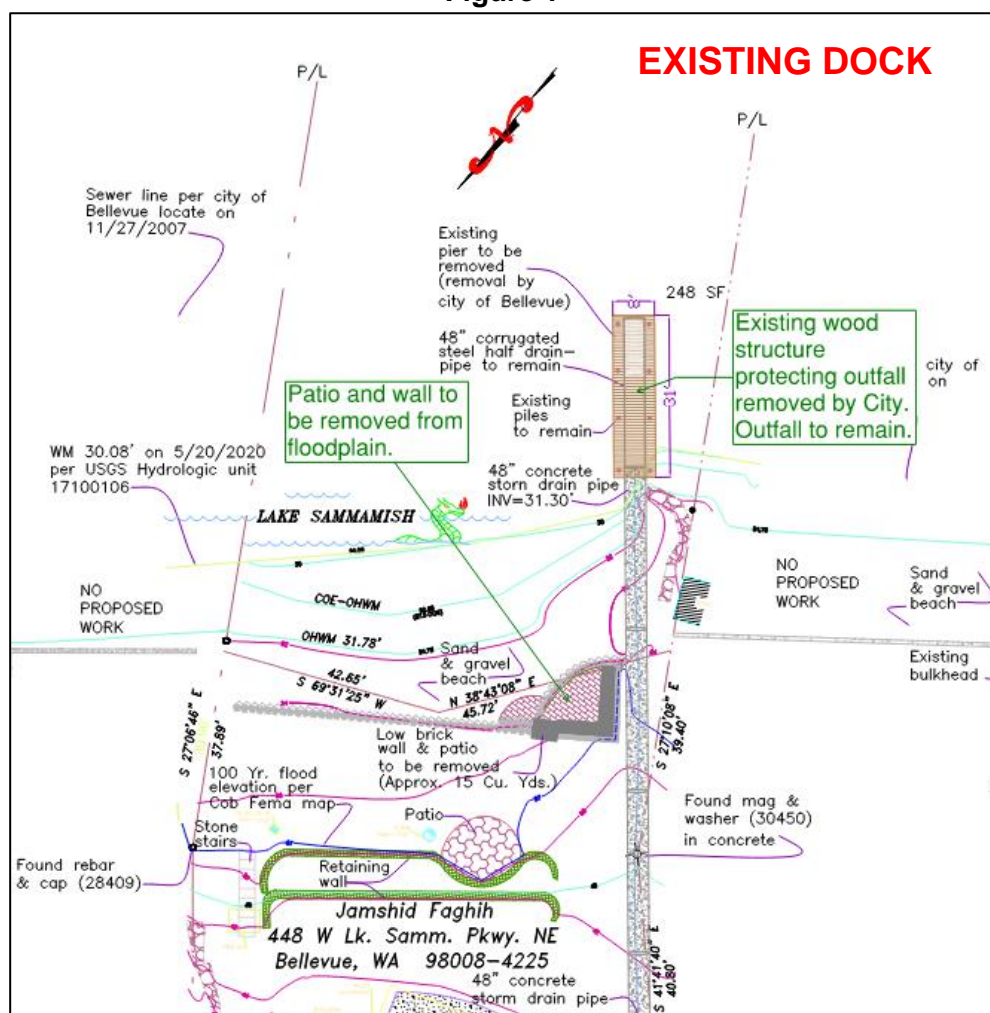
I. Proposal Description	3
II. Site Description, Zoning, Land Use Context, and Shoreline Environment and Functions	4
III. Consistency with Land Use Code Requirements.....	6
IV. Public Notice and Comment	8
V. Summary of Technical Reviews	8
VI. State Environmental Policy Act (SEPA).....	8
VII. Changes to Proposal Due to Staff Review.....	9
VIII. Decision Criteria.....	9
IX. Conclusion and Decision	11
X. Conditions of Approval	11

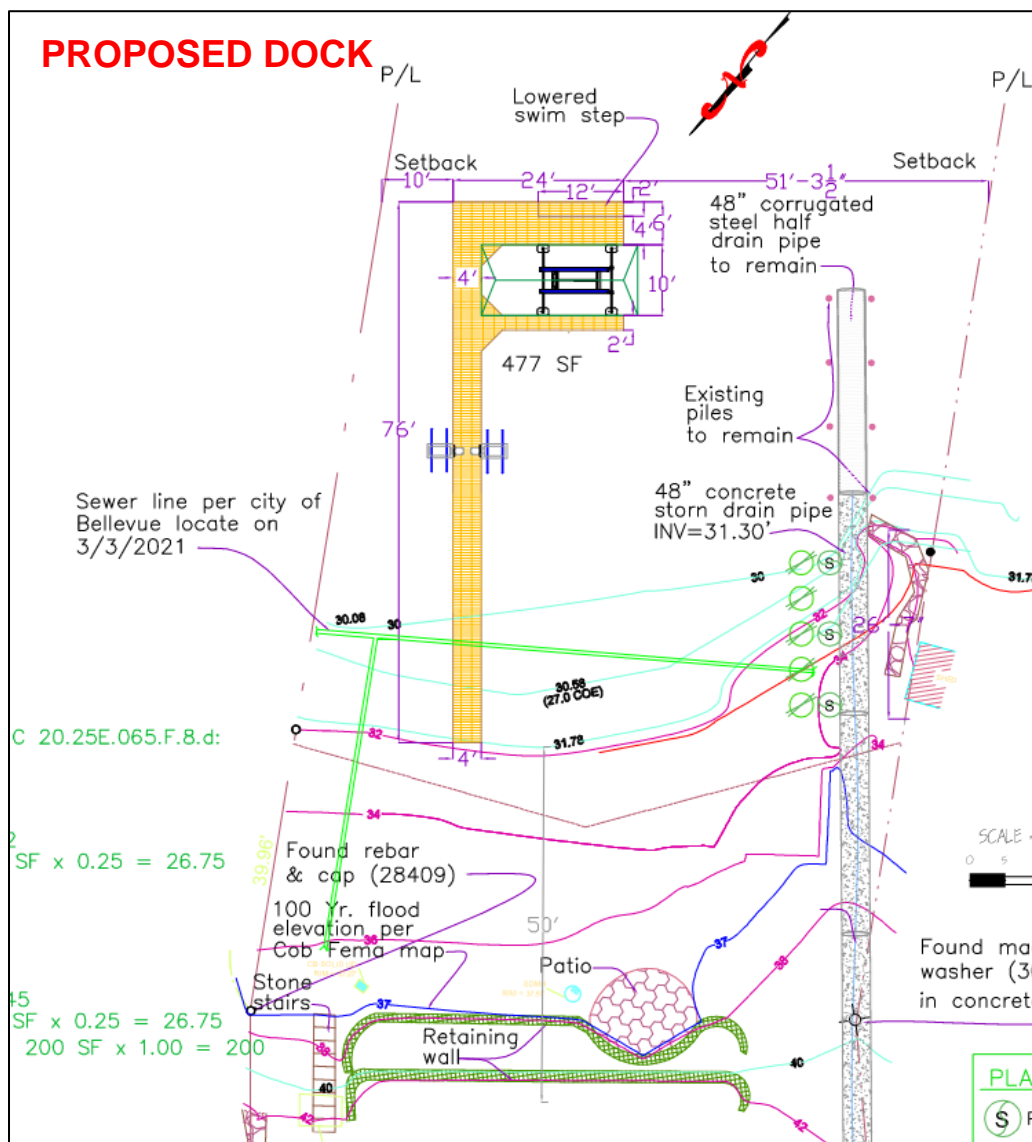
Attachments to this Decision

Project Plans
SEPA Determination of Non-Significance

See project file for all submitted documents and forms.

The proposal is to construct a new pier with 477 square feet of water coverage with 14 six-inch steel piles, 2 four-inch steel piles, 2 two-inch pin piles, grated decking, one boatlift with translucent canopy, and two watercraft lifts. The proposal includes removal of unpermitted block wall and patio improvements and fill placed in the floodplain of Lake Sammamish and restoration of the area to beach including native vegetation to maintain shoreline ecological function. This proposed pier replaces the prior wooden structure that protected the City's storm outfall and provided moorage which was removed by the City under separate shoreline exemption 20-114533-WD. **See Attachment 1 for project plans and Figure 1 below for the proposed development.**



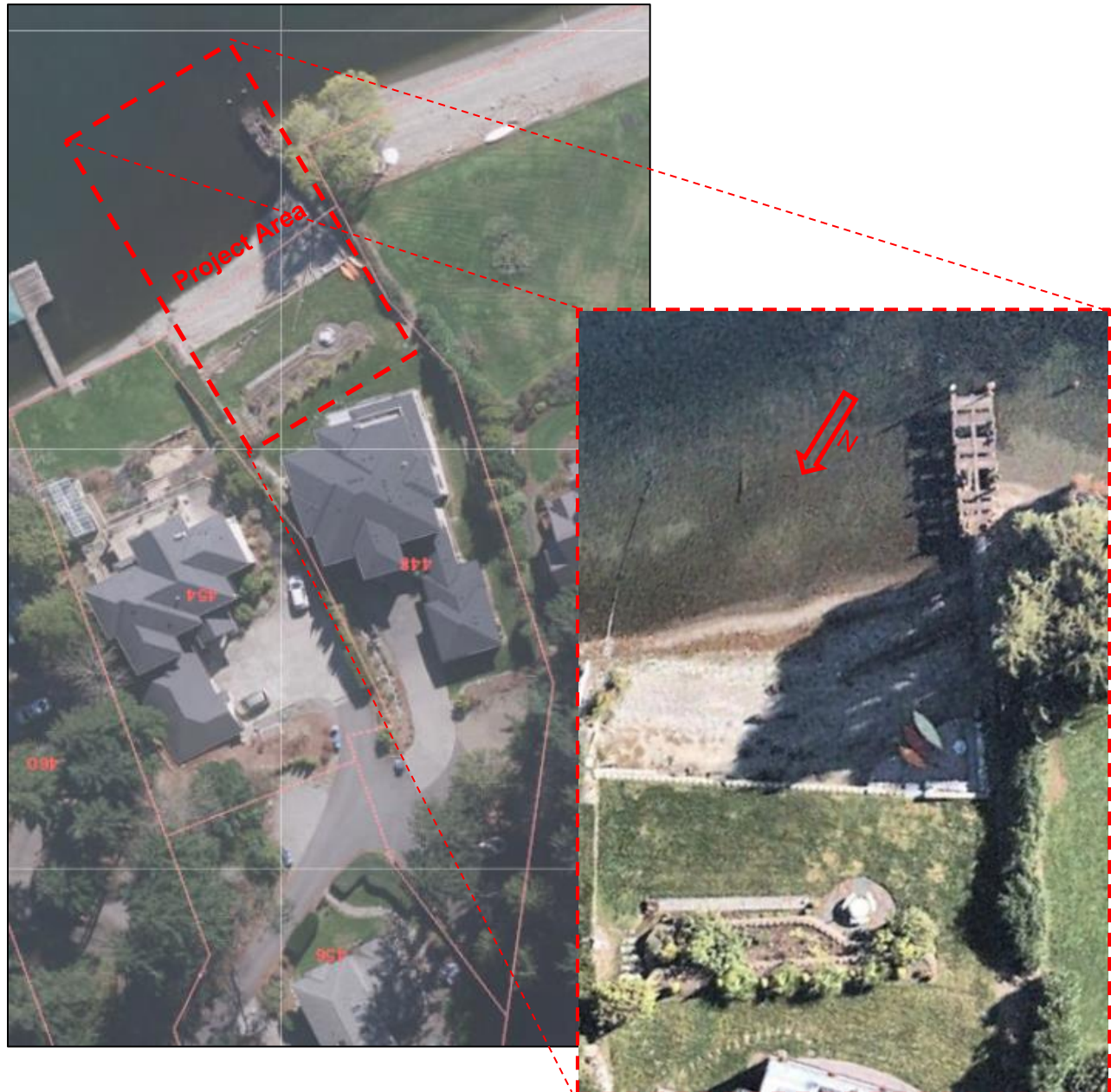


II. Site Description, Zoning, Land Use Context, and Shoreline Environment and Functions

A. Site Description

The site is located on Lake Sammamish and has a shoreline environment designation of SR, Shoreline Residential. The existing shoreline between the house and OHWM is comprised of ornamental vegetation, lawn, and minor landscaping improvements. An existing City of Bellevue culvert crosses the property along the west property line and drains Wilkins Creek to Lake Sammamish. **See Figure 2 for existing site condition.**

Figure 2



B. Zoning and Land Use Context

The property is zoned R-2.5 a single-family residential zoning district. Surrounding properties are also zoned R-2.5 and developed with single-family residences and docks. The property has a Comprehensive Plan Land Use Designation of SF-M (Single Family Medium Density). The project is consistent with this land use designation.

C. Shoreline Environment and Functions

The site is in the Shoreline Residential shoreline environment designation.

Per LUC 20.25E.010, the shoreline residential environment is to accommodate single or multifamily residential development and appurtenant structures. A shoreline residential environment designation is assigned to Bellevue shorelands which are predominantly characterized by residential development or are planned for residential development and exhibit moderate to low levels of ecological functions because of historic shoreline modification activities.

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996). Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements:

No upland structures are proposed that are subject to zoning requirements. A patio and wall are being removed that will not alter prior site conformance with zoning requirements.

B. Shoreline Overlay District LUC 20.25E.065:

The property has frontage along Lake Sammamish and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark of shorelines identified in LUC 20.25E and the City's Shoreline Master Program. The Shoreline Overlay District regulations (LUC 20.25E) allow residential moorage facilities provided the applicable performance standards in LUC 20.25E.065 are met. Construction of a new dock and restoration in the floodplain is allowed per LUC 20.25E.065.

i. Consistency with LUC 20.25E.065.H

Each application for a new or reconfigured residential dock shall comply with the requirements in LUC 20.25E.065.H, or as amended by approval from the US Army Corps of Engineers under Section 404 or Section 10 or by the Washington Department of Fish and Wildlife HPA as follows:

Dock Location: Lake Sammamish		
Development Standard	Required by LUC 20.25E.065	Proposed Standards
Number of Docks Allowed	1 per residential lot	1 proposed
Dock Side Setback	10' or as established per mutual agreement	10' or greater
Maximum Dock Length	150'	76'
Maximum Dock Size	480 square feet	477 square feet
Maximum Walkway Width	4' within 30' of OHWM 6' beyond 30' from OHWM	4' for entire facility
EI Location vs Depth	30' waterward of OHWM or at least 9' of water depth	58' waterward of OHWM
Mooring Piles	2 per lot	None Proposed
Decking	Grated	Open Grating Proposed
Number of Lifts	4 allowed per lot	1 boatlift w/ canopy 2 watercraft lifts
Lift Location	30' waterward of OHWM or at least 9' of water depth	40' waterward of OHWM at closest location

ii. General Requirements Applicable to all Residential Docks

- a. **Dock Materials.** Environmentally neutral materials approved by the Environmental Protection Agency for use in aquatic environments shall be used. No materials treated with known toxic preservatives is allowed. Dock materials shall not be treated with pentachlorophenol, creosote, chromate copper arsenate (CCA) or comparably toxic compounds. Preservative and surface treatments are limited to products approved for use in aquatic environments and must be applied according to label directions. Construction hardware that comes into contact with water either directly, or through precipitation that causes discharges either directly or indirectly into surface waters shall not be susceptible to dissolution by corrosion.
- b. **Dock Lighting.** Dock lighting for the purpose of illuminating the dock surface for safety is allowed when the illuminating fixtures are limited to the

minimum height necessary above the dock surface, or screened to provide the intended function of walkway illumination, without allowing light emissions to spill outside of the dock surface.

Finding: The proposal will comply with dock material requirements and all piles are proposed to be steel. No lighting is proposed.

iii. Restoration of Floodplain and Vegetation Conservation Area

The proposal includes removal of unpermitted improvements that were constructed within the 100-year floodplain of Lake Sammamish and with the 50-foot Vegetation Conservation Area measured from the OHWM. The small wall and patio are to be removed and the area restored to the beach grade that existed prior. Replanting is also proposed in order to ensure the shoreline maintains or exceeds the prior shoreline ecological function. The proposal will plant three Pacific Willow trees and five Red Osier Dogwood shrubs adjacent to the exposed culvert that is on the beach. **See Conditions of Approval regarding restoration and replanting in Section X of this report.**

IV. Public Notice and Comment

Application Date:	January 25, 2021
Public Notice Date:	March 4, 2021
30-Day Comment Period End:	April 5, 2021

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on March 4, 2021. It was mailed to property owners within 500 feet of the project site. No comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposal for compliance with Clearing and Grading codes and standards and approved the application. Clearing and Grading review will be required under the future building permit and the site is subject to seasonal work restrictions. **See Conditions of Approval regarding permits and rainy season restrictions in Section X of this report.**

B. Utilities

The Utilities Department has reviewed the proposal for compliance with Utility codes and standards and approved the application.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental

impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth, Air, and Water

No dredging, withdrawals, diversions, or discharges are anticipated from the proposed construction. The proposal is subject to applicable sediment control requirements as required by clearing and grading review. The restored beach results in no change to the floodplain.

B. Animals

Lake Sammamish facilitates salmon species and in order to protect them and other fish the applicant will be required to receive State and Federal permit approval and all in-water work is required to occur within the construction window as established by the agencies. These work windows are established to limit impacts to fish at times when juvenile salmon are not present or migrating.

C. Plants

The current shoreline is grass, ornamental landscaping, and beach. Unpermitted improvements will be removed and the area restored to prior condition. New planting is proposed along the shoreline and includes trees and shrubs as found on the submitted plans as attachment 1.

VII. Changes to Proposal Due to Staff Review

The applicant provided analysis and calculations to show that the proposed shoreline ecological function will meet or exceed the function of the existing shoreline.

VIII. Decision Criteria

LUC 20.25E.160.D Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications a Shoreline Substantial Development Permit if:

1. The proposal is consistent with the policies and procedures of the Shoreline Management Act;

Finding: As evaluated the proposal is consistent with applicable policies and procedures of the Shoreline Management Act (SMA). The SMA includes broad policies that give priority to water-dependent uses and activities and single-family residences are specifically identified as a preferred use.

2. The proposal is consistent with the provisions of Chapter 173-27 WAC;

Finding: The proposal is consistent with 173-27 WAC and is proposed under a shoreline substantial development permit.

3. The proposal is consistent with the SMP;

Finding: As evaluated in Section III of this report, the applicant has submitted project plans that demonstrate the proposal's consistency with the policies and procedures of the Shoreline Management Program (SMP).

4. The proposal will be served by adequate public facilities including streets, fire protection, and utilities;

Finding: The proposed dock does not alter existing service of public facilities to the property.

5. The proposal is consistent with the Bellevue Comprehensive Plan;

Finding: Shoreline Management Goal 6. To recognize existing residential uses and to regulate new residential construction within the intent of shoreline policies.

The proposal is consistent with the City of Bellevue Shoreline Comprehensive Plan policies SH 16, and SH-18.

POLICY SH-16. *Discourage structures using materials which have significant adverse physical or chemical effects on water quality, vegetation, fish, and wildlife in or near the water.*

POLICY SH-18. *Give preference to residential and water dependent, water-enjoyment, and water-related uses (in that order) when the use, activity, or development preserves shoreline ecological functions and processes or, where necessary, mitigates impacts to water quality, fish and wildlife habitat, and other shoreline functions*

The proposed dock is consistent with this goal to the allow residential use of the shoreline. The dock will be constructed with materials suitable for in-water construction and would not have an adverse effect on water quality, vegetation, fish, and wildlife in or near the water.

6. The proposal complies with applicable requirements of the Bellevue City Code.

Finding: As identified in Section III of this report the applicant has submitted project plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the construction of a new pier and lifts and removal of improvements from the floodplain at 448 W Lake Sammamish Pkwy. NE. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.25E.250, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to commence construction, use, or activity granted by the shoreline permit within two years of the effective date of the permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.25E.250.

Permit authorization expires finally, despite commencement of construction, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.25E.250.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities – BCC Title 24	Jason Felgar, 425-452-7851
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit Required:** Approval of this Shoreline Substantial Development Permit does not constitute an approval of a building permit. Application for a building permit must be submitted and approved. Plans submitted as part of the building permit application shall be consistent with the activity permitted under this approval including the required restoration planting plan.

Authority: Land Use Code 20.25E.160

Reviewer: Reilly Pittman, Development Services Department

- 2. Federal and State Permits:** Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work.

Authority: Land Use Code 20.25E.065

Reviewer: Reilly Pittman, Development Services Department

- 3. Rainy Season Restrictions**

Due to critical area proximity, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,

Reviewer: Savina Uzunow, Development Services Department

- 4. Restoration of Floodplain and planting**

The applicant shall remove the small wall, patio, and associated improvements located in the floodplain and restore the area as proposed. Proposed replanting is required to be installed and inspected prior to final inspection approval. Vegetation shall be maintained and monitored for a minimum of 5 years in order to ensure vegetation establishes. Plants that die within this period shall be replaced.

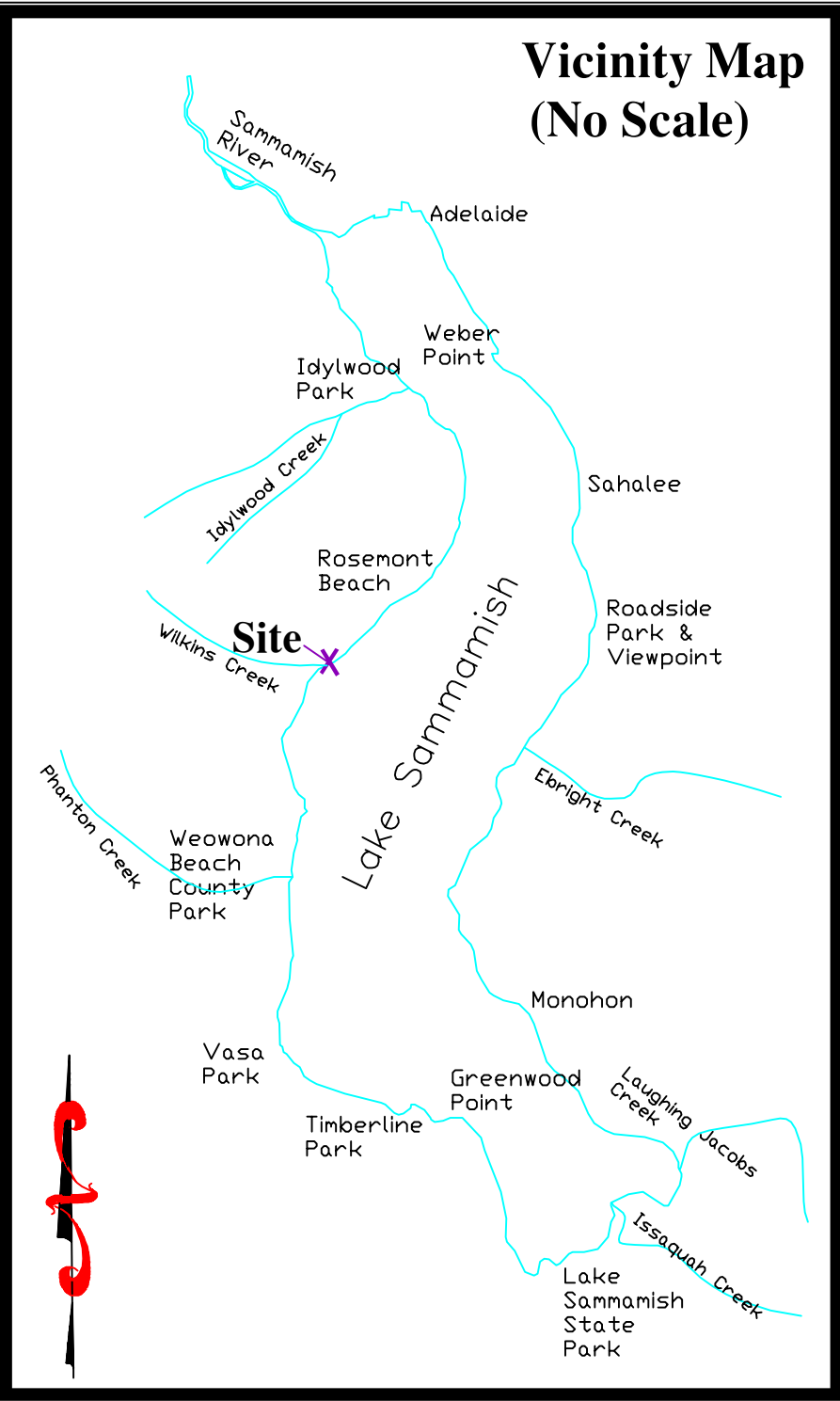
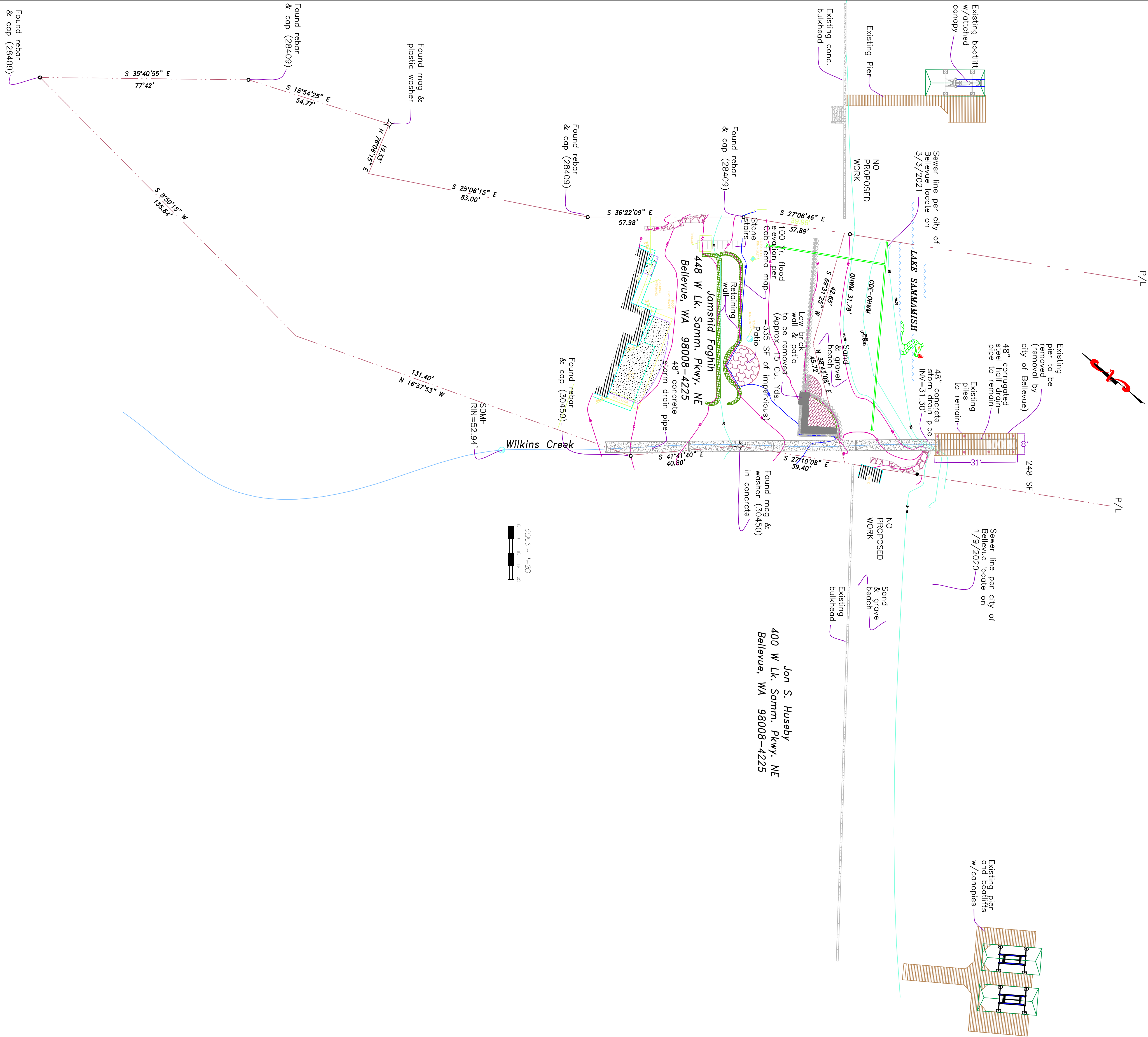
Authority: Land Use Code 20.25E.065

Reviewer: Reilly Pittman, Development Services Department

Ashley Shoreline Design & Permitting

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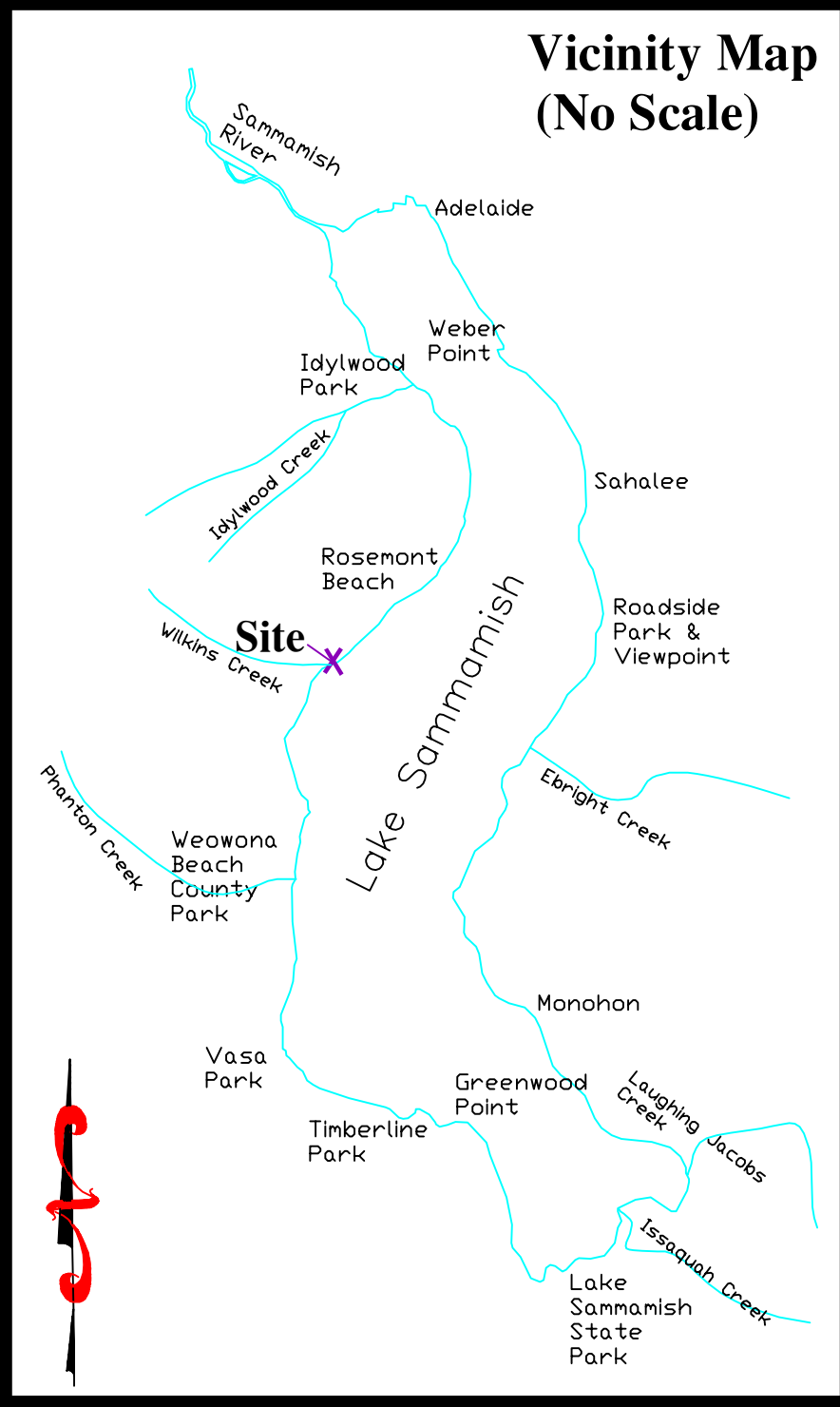
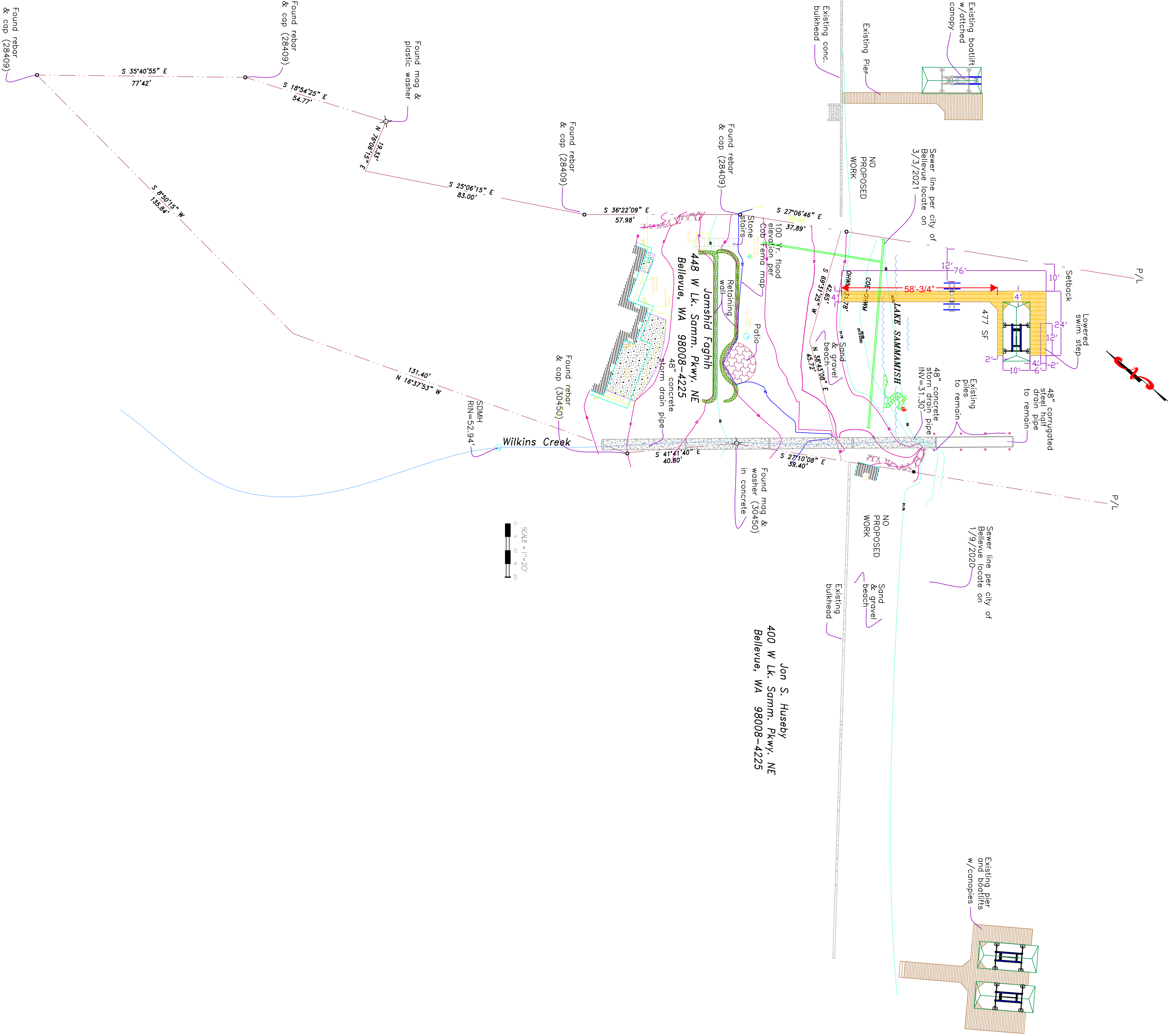


SHORELINE PROJECT FOR :	Jamshid Faghieh 448 W Lk. Samm. Pkwy. NE Bellevue, WA 98008-4225	LOCATION: Lake Sammamish LAT: 47° 36' 48" North LONG: -122° 06' 18" West LENGTH FROM OHWM: 76'	DATUM: NAVD 88 SQ. FT. : 477	PROJECT DESCRIPTION: Remove 248 SF pier covering Wilsons Creek outfall. Existing piles and 48" steel half drain pipe to remain. Remove brick wall and patio located in the floodplain (15 Cu. Yds.). Build 480 SF fixed pile pier. Install a freestanding boatlift with an attached translucent canopy. Install 2 PWC lifts.
PAGE: 1 of 3				DATE: 1/8/2021 REV:3/4/2021

Ashley Shoreline Design & Permitting

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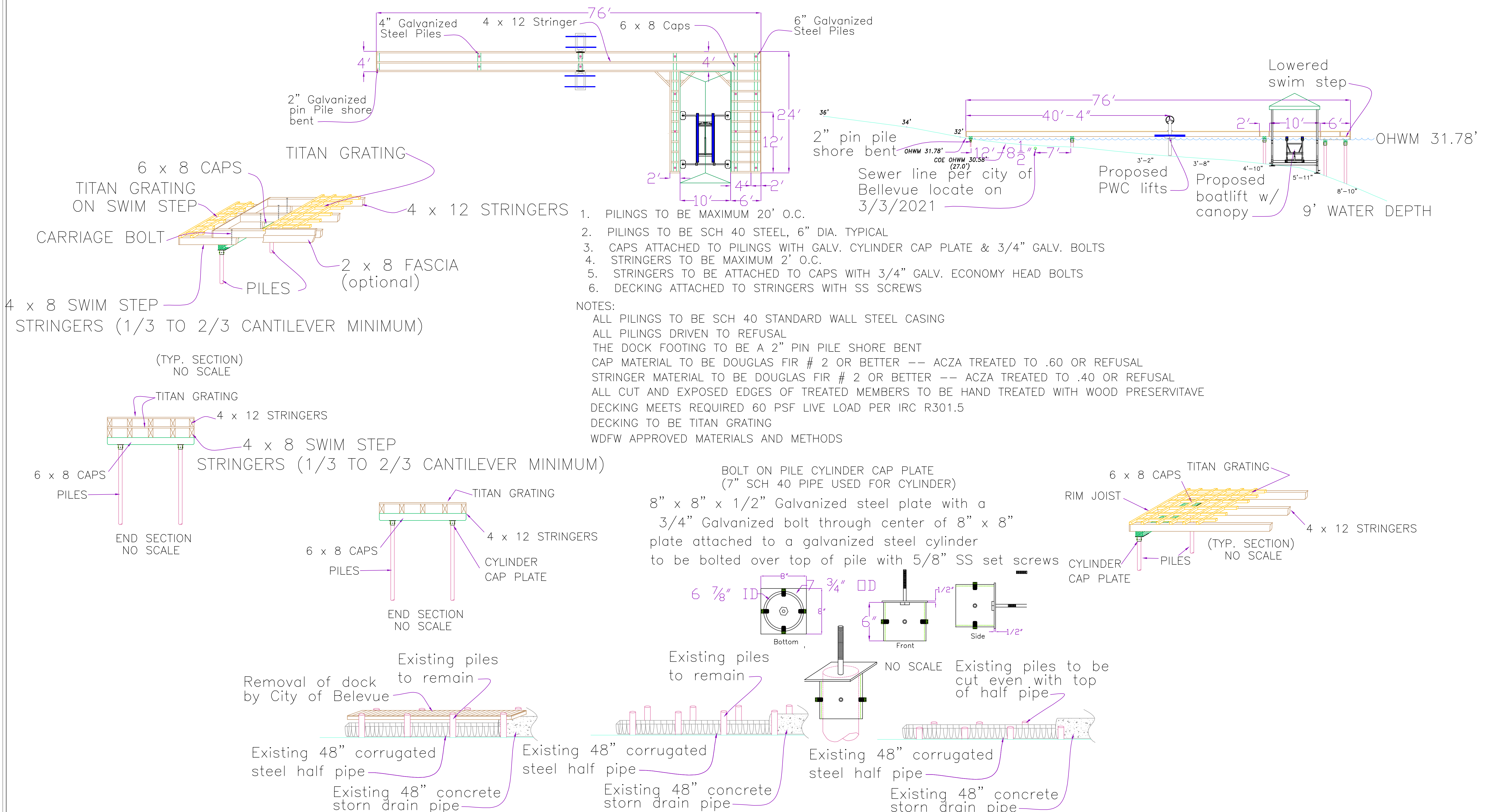


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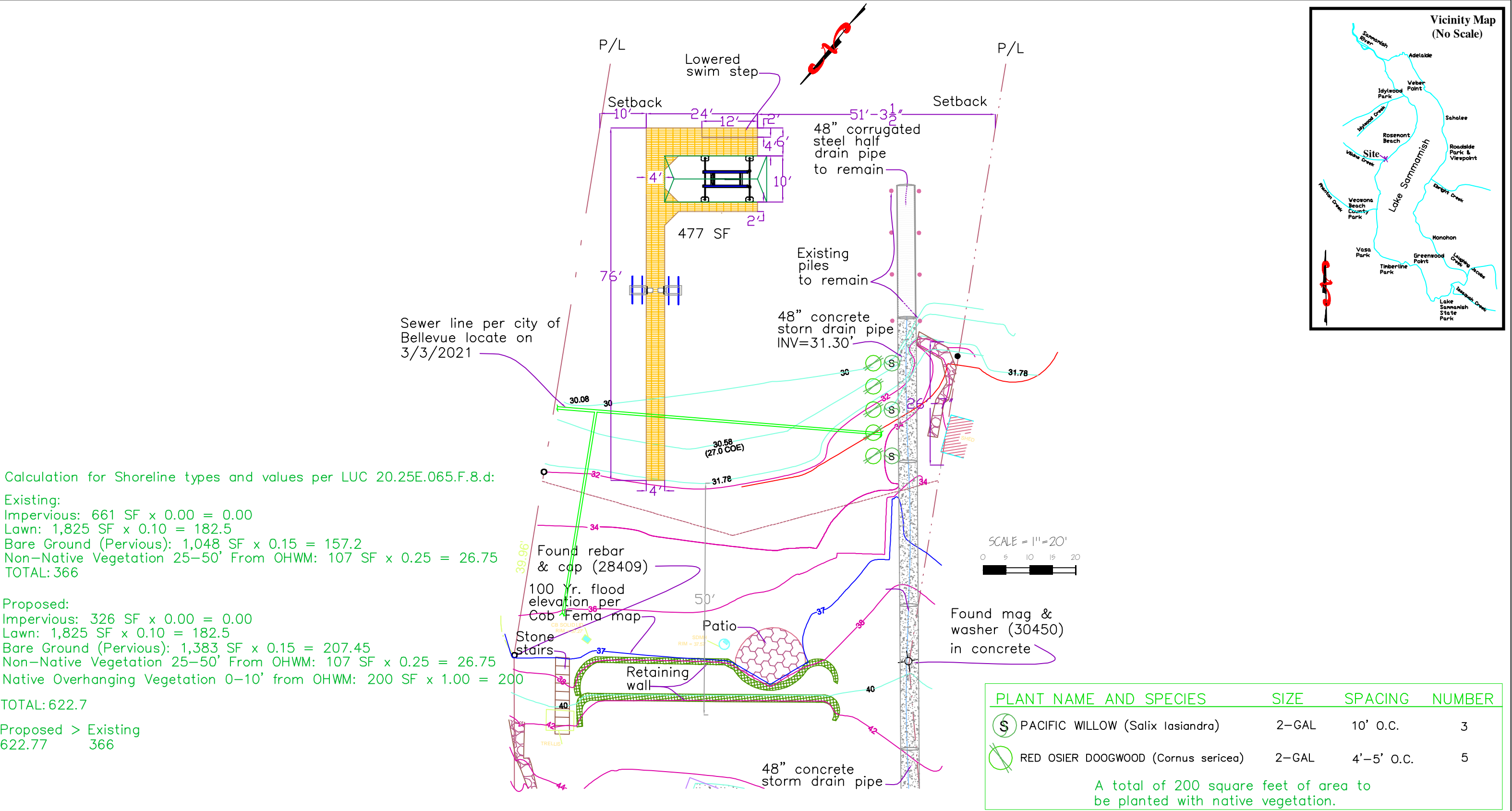


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SHORELINE PROJECT FOR : Jamshid Faghieh
448 W Lk. Samm. Pkwy. NE
Bellevue, WA 98008-4225

LOCATION: Lake Sammamish
LAT: 47° 36' 48" North
LONG: -122° 06' 18" West
LENGTH FROM OHWM: 76' SQ. FT. : 477

PROJECT DESCRIPTION: Build new fixed pile pier. Install boatlift w/translucent canopy. Install two pier mounted PWC lifts,
DATE: 1/8/2021